IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 1523 of 1994

Between:
A.Venkateswara Rao S/o.Naga Basavaiah
R/o.Govt.Quarter No.C-19,Malakpet Colony, Hyderabad.
..... PETITIONER

AND

1 The Chief Judge
City Civil Court, Hyderabad.
2 The Estate Officer,Hyderabad and Secunderabad
General Admn.Department, Govt of A.P.,
Secretariat, Hyderabad.
.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the order of the 2nd respondent dated 29-1-94, in No.A1/C.19/709/93 as wholly illegal and arbitrary and consequently set aside the same and pass such other order or orders.

For the Petitioner: Mr.Srinivas, Advocate for MR.P.SRI RAGHU RAM, Advocate.

For the Respondent No.1 : -----

For the Respondent No.2 : GP FOR GENERAL ADMINISTRATION

The Court Made the Following :

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O R D E R :

The petitioner is the Government employee. At the relevant time, he was working as a Composer in Government Printing Press, Hyderabad. By virtue of his position and status he had, as such Government employee, he was allotted a Government Quarter bearing No.C-19, Malakpet Government Colony, Hyderabad. It appears that eviction proceedings were initiated against the petitioner under the provisions of Andhra Pradesh Public Premises (Eviction of Unauthorized Occupants) Act,1968 (for brevity 'the Act') on the ground that he is an unauthorized occupant of the public premises. After following the due process of law, an order of eviction was passed by the Estate Officer, second respondent herein. Aggrieved by the same, the petitioner preferred an appeal being C.M.A.No.216 of 1993 on the file of the Court of Chief Judge, City Civil Court, Hyderabad, under Section 5(2) of the Act and the same was dismissed. Thereafter, second respondent by proceedings No.A1/C.19/709/93, dated 29-1-1994 directed the Special Deputy Tahsildar attached to the office of the Estate Officer, to forcibly evict the petitioner on 4-2-1994 by 11-00 AM. Again the petitioner choose to file the present writ petition.

This Court admitted the writ petition on 3-2-1994 and by order of even date made in W.P.M.P.No.1879 of 1994 stayed the eviction for a period of four weeks, which was subsequently extended until further orders. By reason of the interim orders passed by this Court, the petitioner is continuing in Government Quarter No.C-19 of Malakpet Government Colony, Hyderabad, for the last more than ten years.

When the matter was heard yesterday, Sri Srinivas, representing Sri P.Raghuram, learned counsel for the petitioner, brought to my notice that the petitioner retired from the Government service by 31-1-2001. Even thereafter he is continuing in the Government quarter. When this Court granted stay of eviction, it was only to operate as long as the petitioner continued to be in Government service. As he already retired from service on superannuation, there would not be any justification to allow him to continue in the Government quarter. Therefore, this writ petition is

dismissed. The interim order passed is vacated and it shall be open to second respondent to evict the petitioner forthwith. It shall also be open to second respondent to serve a demand notice for arrears of rent, if any and collect them from the petitioner, as per Service Rules.

The writ petition is dismissed with the above observations. No costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To
1 The Chief Judge
City Civil Court, Hyderabad.
2 The Estate Officer,Hyderabad and Secunderabad
General Admn.Department, Govt of A.P.,
Secretariat, Hyderabad.
3. 2CCs to G.P. for General Administration, High Court of A.P.,
Hyderabad.
4.2CD copies

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HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.1523 of 1994

Dt.18-06-2004.
(Msr)